

# NOTICES OF SUPPLEMENTAL PROPOSED RULEMAKING

After an agency has filed a Notice of Proposed Rulemaking with the Secretary of State's Office for *Register* publication and filing and the agency decides to prepare a Notice of Supplemental Proposed Rulemaking for submission to the Office, the Secretary of State shall publish the Notice under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.). Publication of the Notice of Supplemental Proposed Rulemaking shall appear in the *Register* before holding any oral proceedings (A.R.S. § 41-1022).

## NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

### TITLE 3. AGRICULTURE

#### CHAPTER 4. DEPARTMENT OF AGRICULTURE

##### PLANT SERVICES DIVISION

#### PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 6 A.A.R. 3692, September 29, 2000

**2. Sections Affected**

R3-4-248

**Rulemaking Action**

Amend

**3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 3-107

Implementing statute: A.R.S. § 3-201.01(A)

**4. The name and address of agency personnel with whom persons may communicate regarding the rule:**

Name: Sherry D. Blatner, Rules Specialist

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**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

This rulemaking updates the Japanese beetle rule to add definitions, broaden the area under quarantine, and to bring the rule in line with the guidelines of the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998 and revised September 5, 2000. An exception is made to the Plan to permit sod shipment to Arizona.

The plan establishes a framework to encourage states to consistently and appropriately characterize Japanese beetle pest risk and infestation status based on up-to-date scientific and field information; and to pursue more uniform adoption and implementation of pest risk mitigation measures to reduce pest risk to a level acceptable to receiving states.

Adult Japanese beetles feed on foliage, flowers, and fruits of hundreds of different plants while the larvae feed on plant roots. It is an economic pest of turf, pastures, fruit trees, and ornamental plantings.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

The rule has been modified to allow shipment of sod to Arizona under agreements signed by an out-of-state grower, a representative of the origin state's Department of Agriculture and the Associate Director. The rule incorporates by reference the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised September 5, 2000, with an exception in Appendix 1 to permit sod shipment to Arizona.

Notices of Supplemental Proposed Rulemaking

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

A. *The Arizona Department of Agriculture.*

This rulemaking should not have adverse economic effects for the Department.

B. *Political Subdivision.*

Political subdivisions of this state are not directly affected by the implementation and enforcement of this rulemaking.

C. *Businesses Directly Affected By the Rulemaking. Out-of-state shipping nurseries.*

This rulemaking will have an effect on the out-of-state shipping nurseries in counties not previously included in the area under quarantine. They will be required to obtain certificates from the state of origin affirming compliance with the Rule's restrictions. Nurseries seeking to ship sod to Arizona will be required to enter into a written agreement with the origin state and the Department.

D. *Private and public employment.*

Private and public employment is not directly affected by the implementation and enforcement of this rulemaking.

E. *Consumers and the Public.*

None

F. *State Revenues.*

This rulemaking will have no impact on state revenues.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Sherry D. Blatner, Rules Specialist

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1688 West Adams, Room 235  
Phoenix, Arizona 85007

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**10. The time, place, and nature of the proceedings for the adoption, amendment, or repeal of the rule or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Arizona Department of Agriculture will schedule an oral proceeding if a written request for an oral proceeding is made to the person listed in item #4.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised September 5, 2000. An exception to the Plan is made in Appendix 1 for sod. The introductory sentence will read, "Regulated nursery stock can be shipped to category 1 states based on one of the following certification options."

R3-4-248 (A) through R3-4-248 (D).

**13. The full text of the rules follows:**

**TITLE 3. AGRICULTURE**

**CHAPTER 4. DEPARTMENT OF AGRICULTURE**

**PLANT SERVICES DIVISION**

*Arizona Administrative Register*  
**Notices of Supplemental Proposed Rulemaking**

**ARTICLE 2. QUARANTINE**

Section  
R3-4-248. Japanese Beetle

**ARTICLE 2. QUARANTINE**

**R3-4-248. Japanese beetle**

**A.** Notice of quarantine. It has been determined that the Japanese beetle, *Popillia japonica* (Newman), is a dangerous insect pest not known to occur in the state of Arizona; that the Japanese beetle is a serious threat to forest trees, agricultural crops, turf grass and certain ornamental plants. In order to prevent the introduction into the state of Arizona, and the spread within the state of this serious pest, it is hereby ordered and declared that the entry of quarantined articles into the state of Arizona shall be governed by the following regulation:

**B.A.** Pest: Definitions.

“JBHP” means the U.S. Domestic Japanese Beetle Harmonization Plan, adopted by the National Plant Board on August 19, 1998, and revised September 5, 2000. This material is incorporated by reference, does not include any later amendments or editions of the incorporated matter, and is on file with the Department, the Office of the Secretary of State, and the National Plant Board at [www.aphis.usda.gov/npb](http://www.aphis.usda.gov/npb). An exception to the Plan is made in Appendix 1 for sod. The introductory sentence will read, “Regulated nursery stock can be shipped to category 1 states based on one of the following certification options.”

Pest: “Pest” means the Japanese beetle, *Popillia japonica* (Newman).

**C.B.** Area under quarantine. All areas listed in the JBHP.

~~Entire states of Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.~~

1. ~~Portions of the states listed below:~~

~~Alabama — Counties of Cleburne, Jefferson, and Lee.~~

~~Georgia — Counties of Banks, Barrow, Bartow, Bibb, Burke, Carroll, Cherokee, Clarke, Clayton, Cobb, Coweta, Columbia, Dawson, DeKalb, Douglas, Elbert, Fannin, Fayette, Forsyth, Fulton, Franklin, Gilmer, Gordon, Greene, Gwinnett, Habersham, Hall, Hart, Henry, Jackson, Jones, Lumpkin, Madison, McDuffie, Monroe, Muscogee, Murray, Newton, Oconee, Oglethorpe, Paulding, Pickens, Rabun, Richmond, Rockdale, Spalding, Stephens, Towns, Union, Walker, Walton, and White.~~

~~Illinois — Counties of Coles, Cook, DuPage, Edgar, Effingham, Fayette, Iroquois, Kankakee, LaSalle, Macon, Madison, Rock Island, St. Clair, Tazewell, Vermilion, and Will.~~

~~Indiana — Counties of Allen, Benton, Boone, Carroll, Cass, Clark, Clay, Clinton, Daviess, Dearborn, DeKalb, Delaware, Dubois, Elkhart, Franklin, Fulton, Greene, Henriks, Huntington, Jackson, Jasper, Jefferson, Jennings, Kosciusko, LaGrange, Lake, La Porte, Lawrence, Marion, Marshall, Martin, Miami, Montgomery, Newton, Noble, Ohio, Orange, Parke, Porter, Pulaski, Putnam, St. Joseph, Starke, Steuben, Sullivan, Switzerland, Tippecanoe, Vermillion, Vanderburgh, Vigo, Wabash, Washington, Wayne, Wells, White, and Whiteley.~~

~~Kentucky — Counties of Bath, Bell, Boone, Bourbon, Boyd, Bracken, Breathitt, Campbell, Carroll, Carter, Casey, Clark, Clay, Daviess, Edmonson, Elliott, Estill, Fayette, Fleming, Floyd, Gallatin, Garrard, Grant, Greenup, Hardin, Harlan, Jackson, Jefferson, Jessamine, Johnson, Kenton, Knott, Knox, Laurel, Lawrence, Lee, Leslie, Letcher, Lewis, Lincoln, Madison, Magoffin, Martin, Mason, McCreary, Menifee, Montgomery, Morgan, Nicholas, Oldham, Owsley, Perry, Pike, Powell, Pulaski, Robertson, Rockcastle, Rowan, Trimble, Wayne, Whitley, Wolfe, and Woodford.~~

~~Maine — Counties of Androscoggin, Cumberland, Kennebec, Lincoln, Oxford, Sagadahoc, and York.~~

~~Michigan — Counties of Allegan, Barry, Berrien, Calhoun, Cass, Kalamazoo, Lenawee, Macomb, Monroe, Oakland, Washtenaw, and Wayne.~~

~~Missouri — City of St. Louis, County of St. Louis.~~

~~Ohio — Counties of Adams, Allen, Ashland, Ashtabula, Athens, Auglaize, Belmont, Brown, Butler, Carroll, Champaign, Clark, Clermont, Clinton, Columbiana, Coshocton, Crawford, Cuyahoga, Defiance, Delaware, Erie, Fairfield, Fayette, Franklin, Fulton, Gallia, Geauga, Green, Guernsey, Hamilton, Hancock, Hardin, Harrison, Henry, Highland, Hoeking, Holmes, Huron, Jackson, Jefferson, Knox, Lake, Lawrence, Licking, Logan, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Meigs, Miami, Monroe, Montgomery, Morgan, Morrow, Muskingum, Noble, Ottawa, Perry, Picaway, Preble, Pike, Portage, Putnam, Ross, Richland, Sandusky, Scioto, Seneca, Shelby, Stark, Summit, Trumbull, Tuscarawas, Union, Van Wert, Vinton, Washington, Warren, Wayne, Williams, Wood, and Wyandot.~~

~~South Carolina — Counties of Aiken, Anderson, Calhoun, Cherokee, Chester, Chesterfield, Darlington, Dillon, Fairfield, Florence, Greenville, Horry, Lancaster, Lexington, Marion, Marlboro, McCormick, Newberry, Oconee, Pickens, Richland, Spartanburg, Union, and York.~~

~~Tennessee — Counties of Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Johnson, Knox, Loudon, McMinn, Monroe, Morgan, Polk, Roane, Sevier, Sullivan, Union, Washington, and Weakley.~~

**D.C.** Commodities covered: All commodities, except grass sod, listed in the JBHP.

1. ~~Soil separately or with other things (except potting soil).~~

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2. ~~Plants with roots (except houseplants grown in the home and not for sale, greenhouse-grown plants, soil-free aquatic plants, moss, and hyacinth known as clubmoss or ground-pine or running pine).~~
3. ~~Grass sod.~~
4. ~~Aircraft (during months of June, July, and August whenever there is swarming of adult Japanese beetles in the area under quarantine).~~
5. ~~Any other products, articles, or means of conveyance, of any character whatsoever when it is determined by an inspector that they present a hazard of spread of Japanese beetle and the person in possession thereof has been so notified.~~

**~~E.D.~~** Restrictions.

1. A commodity under subsection (C) shall not enter Arizona from an area under quarantine unless the commodity is accompanied by an original certificate issued by an official of the origin state affirming compliance with the requirements of the JBHP, Appendix 1, Shipment to Category 1 States.
1. ~~Movement of regulated articles. Regulated articles may be moved from the area under quarantine into the state of Arizona only when such articles are accompanied by a valid certificate from an authorized inspector of the state of origin or Federal Certificate issued by a United States Department of Agriculture inspector giving evidence of the following conditions:~~
  2. ~~Certificates:~~
    - a. ~~When, in the judgment of the inspector, they have not been exposed to infestation.~~
    - b. ~~When they have been examined by the inspector and found to be free of infestation.~~
    - c. ~~When they have been treated under the observation of an inspector and in accordance with a method selected by him to bring about a successful treatment for the presence of Japanese beetles.~~
    - d. ~~Aircraft and other conveyances arriving in the state of Arizona from the area under quarantine, which have not been properly treated and certified at origin may be held for inspection during the months of June, July and August at the place of inspection until either found free of live Japanese beetles or treated by an approved manner and released by an inspector of the Arizona Commission of Agriculture and Horticulture.~~
  2. Grass sod may be admitted if a private grower in another state requests permission from the Associate Director to ship to Arizona. A written agreement shall be signed by the private grower, the state plant regulatory official of the origin state, and the Associate Director. The agreement shall include the following terms:
    - a. The grower shall only ship sod grown in a Japanese beetle-free county.
    - b. The origin state shall place and monitor Japanese beetle traps on the turf farm during the agreement period. At least 1 trap shall be placed on each 10 acres of land. A buffer zone will be established around the turf farm, and 2 traps per square mile will be placed in a 1 mile radius. Detection of 1 or more Japanese beetles in any trap will result in revocation of the agreement.
    - c. A representative of the origin state's Department of Agriculture shall inspect sod prior to shipment to ensure it is free of the pest.
    - d. Sod shall only enter Arizona through the ports of entry on I-10 or I-40.
    - e. Both the grower and the originating state shall execute any other requirement established by the Associate Director to ensure the sod is free from all life stages of Japanese beetle.
  3. Exemptions.
    - a. Privately owned houseplants grown indoors and free from the pest are exempt from this Section.
    - b. Another treatment, beyond those prescribed in the JBHP, may be used with prior approval of the Associate Director.

**~~F.~~** Disposition of violations. Any shipment, conveyance or lot of quarantined articles as herein defined arriving in Arizona in violation of this quarantine shall be immediately sent out of the state or destroyed at the option and expense of the owner or owners, his or their responsible agents, and under the direction of the Entomologist or his inspector.

**~~G.~~** General rules. See "General Rules and Definitions, Article 1".

NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 19. BOARD OF NURSING

PREAMBLE

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 7 A.A.R. 1598, April 20, 2001

**2. Sections affected:**

R4-19-201

**Rulemaking action:**

Amend

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R4-19-202	Amend
R4-19-203	Amend
R4-19-204	Amend
R4-19-205	Amend
R4-19-206	Amend
R4-19-207	Amend
R4-19-208	Amend
R4-19-209	Amend
R4-19-210	Amend
R4-19-211	Amend
R4-19-212	Amend
R4-19-213	Amend
R4-19-214	Amend

**3. The specific authority for the rulemaking, including both authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 32-1606(A)(1), 32-1606(B)(1), (B)(2), (B)(3), (B)(8)

Implementing statutes: A.R.S. § 32-1644

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Pamela K. Randolph  
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Arizona State Board of Nursing

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**5. An explanation of the rule, including the agency's reason for initiating the rule:**

The Board of Nursing is initiating rulemaking on R4-19-201 through R4-19-214 to comply with the recommendations in the Board's last five-year rules review. In addition, due to significant changes in the health care and nursing educational environment, changes are proposed to the rules addressing: nursing program administration, program resources, program administrator qualifications and duties, faculty qualifications and duties, student policies and admissions, curriculum, program approvals, curriculum changes for Board-approved programs, rescission of program approval, requirements for nationally accredited programs, voluntary termination of a program, and approval of reentry update programs. Many of the changes to R4-19-201 through R4-19-214 involve clarifying the language of the rule, adding measurable criteria, and including specific grounds for adverse action by the Board. Specific changes are detailed below.

1. The qualifications for faculty in professional nursing programs and directors of practical nursing programs are changed to reflect hiring patterns in the community.
2. Programs will be required to submit "mission and goals" rather than a "philosophy" and curriculum requirements are amended to reflect current trends in education.
3. Educational materials and resources will be required rather than a library to reflect the movement toward electronic sources of information.
4. The duties of the director of a nursing program are refined to reflect current role expectations of the position.
5. References to appeals and hearing are revised consistent with A.R.S. Title 41 Chapter 6 and 4 A.A.C. 19, Article 6.
6. The approval period for Board-approved nursing programs is lengthened to a maximum of 5 years and the approval period for refresher courses is lengthened to 4 years.
7. The requirements for an annual report from programs and for a Board representative to accompany site visitors from national accreditation agencies when renewing accreditation status are deleted.
8. A provision is added requiring programs to appoint an administrator in a timely manner when a vacancy exists.
9. A passing standard for NCLEX ® is added to reflect outcome-based criteria.
10. The time to respond to a notice of deficiency has been lengthened to allow programs a more reasonable time to formulate a plan of correction.

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The Board believes that the changes to Article 2 will enhance the safety and welfare of the public by providing clear and concise language and reasonable standards for Arizona nursing programs

**6. An explanation of the substantial change which resulted in this supplemental notice:**

Directors of nursing programs representing the Healing Community proposed two additions to the proposed rules. Under Organization and Administration R4-19-201 they propose adding a subsection ensuring that the administrative control of a nursing program is centered in the nurse administrator of the program. It has been noted by the Board that some critical nursing program decisions are made without the input of the nurse administrator. Nursing program needs are unique because of the potential for patient harm in the clinical setting. Nurse administrators, by virtue of their licensure are accountable to patients and the public for their decisions. In most instances, persons in higher levels of administration within the parent institution have neither the background nor the mandate to protect patients. Mistakes made in clinical settings can have dire consequences. The nurse administrator needs the authority to make decisions that are in the best interests of students, potential clients, and the total program.

The second change proposed would ensure that a nurse educator evaluate faculty at least every three years in the areas of teaching ability and nursing knowledge and skills. It has come to the Board's attention that faculty evaluations are being conducted without significant input from the administrator of the program or another nurse educator. Persons other than nurses do not have the knowledge base to evaluate nursing knowledge and skills and therefore would not be aware of potentially harmful knowledge deficits. Other nurse educators can best evaluate teaching of nursing because of the need to integrate psychomotor skills within a theoretical framework.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Some amendments to R4-19-201 through R4-19-214 are expected to result in substantial savings for both the Board and nursing programs. The Board will save staff resources by not having to survey programs that are nationally accredited. Currently there are 17 nationally accredited programs in Arizona. Surveying one program involves 40-60 hours of the Nurse Practice Consultant's time with overnight travel and per diem expenses. The consultant currently averages 2-3 nationally accredited program surveys per year. This change will also save program resources by not requiring accredited programs to mail copies of studies to the Board.

The change in the educational preparation required for a director of a practical nursing program could result in savings to the program by allowing it to hire a director with a baccalaureate degree at a lower salary than a masters-prepared director would command.

The flexibility the proposed rules allow in hiring of faculty for professional nursing programs is expected to result in a positive economic benefit for professional programs by potentially expanding the pool of faculty applicants and allowing programs to hire a less expensive, more available, baccalaureate-prepared nurse for clinical teaching. This change may help programs that are currently prevented from expanding by the inability to hire qualified faculty.

The supplemental amendments are not expected to result in direct costs to the programs. Programs may have some expenses relating to revising some procedures for evaluation and inclusion of the nurse administrator when making decisions affecting the nursing program. Many programs already comply with these proposed rules. The salary of the nurse administrator would not be expected to increase as a result of the rule. The duties of the nurse administrator within some programs may need revision to accommodate a more authoritative role.

Small businesses will not be directly affected by the proposed rule. All parent institutions of programs in Arizona fail to meet the definition of small business as defined in A.R.S. § 41-1001(19). Specifically all but one is publicly owned and all employ more than 100 persons on a full-time basis. Currently no small businesses sponsor refresher courses. Small businesses wishing to offer refresher courses would have an economic benefit from the proposed revisions to R4-19-214 because they allow for a longer period of approval. A possible indirect benefit to small businesses could occur if a program is able to expand due to the ability to secure qualified faculty thereby increasing the pool of qualified job applicants for small businesses that employ nurses.

Consumers will not be directly affected by the proposed rules. The rules may indirectly benefit consumers of health care by making the expansion of nursing programs more economically feasible and therefore increasing the supply of nurses in this period of nursing shortage. Because the changes will allow programs to hire less expensive faculty, they should not result in tuition increases in nursing programs. Nursing students will benefit from the improved specific criteria for resources that must be present in all nursing programs.

**9. The name and address of agency personnel with whom persons may communicate regarding accuracy of the economic, small business, and consumer impact statement:**

Name: Pamela K. Randolph

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Address: 1651 E. Morten, Suite 210  
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**10. The time, place, and nature of the proceedings of the adoption, amendment, or repeal of the rule, or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Date: August 20, 2001  
Time: 9:00 a.m.  
Location: Board of Nursing Conference Room  
1651 E. Morten, Suite 210  
Phoenix, AZ 85020  
Nature: Oral Proceeding

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

Not applicable

**13. The full text of the changes follows:**

**TITLE 4. PROFESSIONS AND OCCUPATIONS**

**CHAPTER 19. BOARD OF NURSING**

**ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS**

Section

- R4-19-201. Organization and Administration
- R4-19-202. Resources, Facilities, Services, and Records
- R4-19-203. Administrator; Qualifications and Duties
- R4-19-204. Faculty; Personnel Policies; Qualifications and Duties
- R4-19-205. Students; Policies and Admissions
- R4-19-206. Curriculum
- R4-19-207. Application for ~~Provisional~~ Initial Approval of a Nursing Program
- R4-19-208. Application for Full Approval
- R4-19-209. Nursing Program Change Curriculum Changes for Board approved Programs
- R4-19-210. Renewal of Approval of Board-approved Nursing Programs; Continuing Approval
- R4-19-211. Rescission of Approval of a Nursing Program or a Refresher Program
- R4-19-212. Nationally Accredited Nursing Programs; Continuing Approval
- R4-19-213. Voluntary Termination of a Nursing Program or a Refresher Program
- R4-19-214. Approval of Reentry; Refresher Update Programs

**ARTICLE 2. ARIZONA PROFESSIONAL AND PRACTICAL NURSING PROGRAMS**

**R4-19-201. Organization and Administration**

- A. The ~~parent~~ institution of a nursing program shall be regionally accredited.
- B. A nursing program shall have a written statement of philosophy mission and objectives, goals consistent with those of the parent institution, ~~which serves as a basis for curriculum structure.~~
  - 1. ~~The statement shall take into consideration the individual differences of students, including their cultural and ethnic background, learning styles, goals, and support systems.~~
  - 2. ~~The statement shall express the fundamental beliefs and basic educational principles to which the faculty subscribe. The statement shall include the faculty's beliefs in relation to:~~
    - a. ~~Nursing;~~
    - b. ~~Nursing education;~~
    - c. ~~The teaching and learning process, including the role of the faculty and students in this process; and~~

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- d. ~~The role of the graduate within the totality of nursing practice.~~
- C. A nursing program shall be an integral part of the parent institution and shall have comparable status with other academic units of the parent institution.
- D. The parent institution centers the administrative control of the nursing program in the nursing program administrator.
- ~~D-E.~~ The A nursing program shall maintain an organizational chart which identifies the relationships, lines of authority, and channels of communication within the program, and between the program, and the parent institution.
- ~~E-F.~~ The A nursing program shall have a written agreement between the program and each clinical facility at which where clinical experience is provided to the program's students which that:
1. defines Defines the rights and responsibilities of each party both the clinical facility and the nursing program,
  2. Lists including agreements on the role and authority of the governing bodies of both the clinical facility and the nursing program;
  3. Allows faculty members of the program the right to select learning experiences for students, and
  4. Contains a termination clause that provides sufficient time for enrolled students to complete the clinical experience upon termination of the agreement.
- ~~F-G.~~ The A nursing program shall assure have written policies that provide a mechanism for student participation input in determining into the development of academic policies and procedures, curriculum planning, and participation in the evaluation of faculty effectiveness through student membership on policy and evaluation committees and through policy statements and evaluation procedures plan.
- ~~G-H.~~ An administrator of a nursing program shall provide evidence that The nursing program shall have written policies and procedures of the program are reviewed on a regular schedule, which are consistent with those of the parent institution and shall provide a regular schedule for their review.
- ~~H-I.~~ The A nursing program shall have a written plan for the systematic evaluation of the total program. The plan shall include the methodology, frequency of evaluation, assignment of responsibility, and evaluative criteria. The following areas shall be evaluated:
1. Organization and administration of the program;
  2. Philosophy and objectives Mission and goals;
  3. Curriculum;
  4. Education facilities, resources, and services;
  5. Clinical resources;
  6. Students' achievement of program educational outcomes;
  7. Graduates' performance on the licensing examination;
  8. Graduates' nursing competence;
  9. Faculty The performance of the faculty; and
  10. Protection of patient safety; and
  11. The methods and instruments used for evaluative purposes.
- J. A nursing program shall notify the Board of a vacancy or pending vacancy in the position of nursing program administrator within 15 days of the program's awareness of the vacancy or pending vacancy and do the following:
1. Appoint an interim administrator or a permanent administrator who meets the requirements of R4-19-203 (A) within 15 days of the effective date of the vacancy, and
  2. Notify the Board of the appointment of an interim or permanent administrator within 15 days of appointment and provide a copy of the administrator's credentials to the Board.

**R4-19-202. Resources, Facilities, Services, and Records**

- ~~A.~~ The parent institution shall provide financial and administrative support and resources to the nursing program, including the following:
1. Physical facilities for the nursing program;
  2. A library and instructional materials; and
  3. Secretarial, clerical, and other support personnel services.
- ~~B-A.~~ The parent institution of a nursing program shall consider the size of the program faculty and number of program students and shall provide facilities for the program that meet the following requirements: provided for the program shall meet the requirements of the nursing program in relation to the size of the faculty and the number of students.
1. The administrator shall have a A private office for the administrator of the nursing program;
  2. Faculty offices shall be that are conveniently located and comparable to other faculty offices of the parent institution and of such number and size to provide the faculty with the ability to work uninterrupted and shall provide have privacy for conferences with students;
  3. Space for private faculty-student conferences;
  - 3-4. There shall be space Space for clerical staff, records, files, and equipment;
  - 4-5. Classrooms, learning laboratories, and conference rooms shall be provided in such number, that provide seating for students enrolled in a course, accommodate audio-visual materials, are free of distractions, and are of size; and type to meet the needs of the number of students and the educational purposes for which the rooms are used;
  - 5-6. There shall be secretarial Secretarial and clerical support personnel to assist the administrator and faculty; and



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~~6.7. There shall be a library which shall have holdings or access~~ Access to a collection of educational holdings materials and resources which that are current and, at the level of content of the curriculum sufficient to meet program goals and of such number to meet the needs of the students and faculty. The parent institution shall establish reasonable hours for access to the collection and ensure a convenient location for viewing the educational materials and resources.

- ~~a. There shall be provision made for regular additions to and deletions from the library collection by the nursing program.~~
- ~~b. The library facilities and policies of operation shall promote effective use in its environment, accessibility, and hours of operation.~~

~~C.B.~~ The A nursing program shall maintain current and accurate records of the following:

- 1. Records of the students Student records including admission materials, courses taken, grades received, scores in any standardized tests taken, and health and performance records;
- 2. Faculty records including Arizona professional nursing license number, evidence of fulfilling the requirements in R4-19-204, and performance evaluations for faculty employed by the parent institution for 1 or more years;
- 3. Minutes of faculty and committee meetings;
- ~~3.4. Administrative records, including minutes of faculty meetings and reports from accrediting agencies, annual reports of the program, and school bulletins; and~~
- ~~4.5. The statement of mission and goals, current curriculum, including philosophy, objectives, and course outlines; and,~~
- ~~5. Agreements with other agencies which provide learning experiences for the students.~~

**R4-19-203. Administrator; Qualifications and Duties**

~~A.~~ A nursing program shall appoint an administrator who shall hold a holds an graduate degree with a major in nursing and shall have a current Arizona professional nursing license that is active and in good standing and:-

- 1. For professional nursing programs, a graduate degree with a major in nursing; or
- 2. For practical nursing programs, a baccalaureate degree with a major in nursing.

~~B.~~ The administrator shall have comparable status with other program administrators in the parent institution and shall report directly to an academic officer of the institution.

~~B.C.~~ The administrator shall be responsible for:

- 1. Administer the nursing education program;
- ~~1. Maintaining relationships with administrative authorities and other academic and support units of the parent institution;~~
- 2. Providing leadership for faculty and staff;
- ~~3.2. Developing, implementing, and evaluating the program of learning;~~ Facilitate and coordinate activities related to academic policies, personnel policies, curriculum, resources, facilities, services, and program evaluation;
- ~~4.3. Preparing~~ Prepare and administering administer the budget;
- ~~5.4. Screening and recommending~~ Recommend candidates for faculty appointment, retention, and promotion;
- ~~6. Developing and maintaining relationships with local, state, regional, and national health and professional organizations and regulatory agencies;~~
- ~~7. Ensuring that written agreements for use of clinical facilities are mutually developed by the parent institution and health care providers;~~
- ~~5. Ensure that faculty are evaluated at least every 3 years;~~
- 5. In addition to any other evaluation used by the parent institution, ensure that faculty are evaluated:
  - a. At least every 3 years.
  - b. By the nurse administrator or a nurse educator designated by the nurse administrator, and
  - c. In the areas of teaching ability and nursing knowledge and skills.
- ~~8. Ensuring that written agreements with health care providers that allow faculty members the control and freedom to select learning experiences for students;~~
- ~~9. Ensuring that written agreements with health care providers contain termination clauses which provide sufficient time for enrolled students to complete the course upon termination of the agreement; and,~~
- ~~10.6. Ensuring~~ Maintain policies or procedures that promote safe patient safety care during student clinical experiences; and
- 7. Participate in activities that contribute to the governance of the parent institution.

~~C.D.~~ The administrator of the nursing program shall not teach more than three 45 contact hours per week academic session.

**R4-19-204. Faculty; Personnel Policies; Qualifications and Duties**

~~A.~~ The A nursing program shall implement personnel policies for full- and part-time nursing faculty members which that shall conform with to those for other faculty members of the parent institution or provide a written explanation of any differences. Any differences in policy shall be explained in writing.

~~B.~~ The A nursing program shall have written policies concerning the teaching load for nursing faculty that consider the following factors: The number of faculty shall be determined-

- 1. The number and level of students enrolled,

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2. The curriculum plan,
  3. ~~The Activities~~ activities and responsibilities required of the faculty including student contact hours, and
  4. The number and geographic locations of clinical laboratory facilities.
- C. The parent institution of a nursing program shall ensure that ~~The~~ the ratio of students to nursing faculty while involved in the direct care of patients shall be no more than ten to one.
- D. The parent institution of a nursing program shall ensure that ~~Each~~ every professional nursing program faculty member has shall have: an Arizona professional nurse license that is active and in good standing and that every faculty member meets one of the following:
1. A graduate degree with a major in nursing ~~If providing didactic instruction:~~
    - a. At least 2 years of experience as a professional nurse providing direct patient care; and
    - b. A graduate degree. The majority of the faculty members of a professional nursing program shall hold a graduate degree with a major in nursing. If the graduate degree is not in nursing, the faculty member shall hold a minimum of a baccalaureate degree in nursing; or
  2. If providing clinical instruction only:
    - a. The requirements for didactic faculty, or
    - b. A baccalaureate degree with a major in nursing and at least 3 years of experience as a professional nurse providing direct patient care.
2. Current licensure professional nurse in the state of Arizona;
3. At least two 2 years' experience as a professional nurse providing direct patient care, and
4. Completion of at least two years' experience teaching courses related to nursing or nursing education.
- E. The parent institution of a nursing program shall ensure that ~~Each~~ each practical nursing program faculty member has shall have:
1. A minimum of a baccalaureate degree with a major in nursing,
  2. Current licensure as a ~~An~~ Arizona professional nurse license that is active and in good standing ~~in the state of Arizona, and~~
  3. At least ~~one~~ 2 years' years of experience as a professional nurse providing direct patient care, ~~and~~
  4. Completion of at least one years' experience teaching courses related to nursing or nursing education.
- F. The nursing faculty shall participate in the following:
1. Developing, implementing, and evaluating the program of learning;
  2. Developing standards for the admission, progression, and graduation of students; and
  3. Supervising ~~Providing for the supervision of~~ students in all clinical experiences; and
  4. ~~Advising students; and~~
  5. ~~Professional scholarly activities.~~
- G. ~~The program shall recruit, appoint, and promote faculty without discrimination as to age, race, sex, national origin, or marital status.~~

**R4-19-205. Students; Policies and Admissions**

- A. A nursing program shall have written policies available to students and the public regarding admission, readmission, transfer, advanced placement, progression, graduation, withdrawal, or dismissal that consider the following:
1. Faculty-to-student ratio,
  2. Educational facilities and resources to accommodate the number of students, and
  3. Capacity of clinical agencies to provide learning experiences.
- A. ~~The nursing program shall admit students to the program based upon the number of faculty, available educational facilities and resources, and the availability of clinical learning experiences for the students.~~
- B. ~~Students shall be admitted without discrimination as to age, race, religion, sex, national origin, or marital status.~~
- C. ~~The program shall establish written policies for admission, readmission, transfer, advanced placement, promotion, graduation, withdrawal, or dismissal.~~
1. ~~The policies shall be consistent with those for students in the parent institution.~~
  2. ~~The policies shall be provided to program applicants.~~
- ~~D.B.~~ A nursing program shall have ~~establish~~ written policies available to students that address ~~for~~ student rights, responsibilities, grievances, health, and safety, ~~and~~ welfare.

**R4-19-206. Curriculum**

- A. ~~A nursing program for preparing professional nurses shall implement a curriculum which provides student instruction in the areas set forth in the Guidelines of NCLEX-RN Item Writers, National Council of State Boards of Nursing, Inc., 676 North St. Clair Street, Suite 550, Chicago, Illinois 60611, 1988, and no later editions, which is incorporated by reference and on file with the Secretary of State~~
- B. ~~A nursing program for licensed preparing practical nurses shall implement a curriculum which provides student instruction in the areas set forth in the Guidelines for NCLEX-PN Item Writers, National Council of State Boards of Nursing, Inc., 676 North St. Clair Street, Suite 550, Chicago, Illinois 60611, 1990, and no later editions, which is incorporated by reference and on file with the Secretary of State.~~

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- A.** A nursing program shall implement a curriculum that:
1. Reflects its mission and goals;
  2. Is logically consistent between and within courses; and
  3. Is designed so that a student who completes the program will have the knowledge and skills necessary to function in accordance with the scope of practice specified in R4-19-401 for practical nurse programs or R4-19-402 for professional nurse programs.
- B.** A nursing program shall provide for progressive sequencing of classroom and clinical instruction sufficient to meet the goals of the program.
- C.** A nursing program shall maintain at least a 75% NCLEX® passing rate for graduates taking the NCLEX-PN® or NCLEX-RN® for the first time within 12 months of graduation. The Board shall issue a notice of deficiency to any program that has a NCLEX® passing rate less than 75% for 2 consecutive calendar years.

**R4-19-207. Application for Provisional Initial Approval of a Nursing Program**

- A.** Before establishing a nursing program a parent institution seeking to establish a nursing program shall submit an application for proposal approval to the Board that includes the following information and documentation: make application to the Board for initial approval. The initial application for approval shall include the following information:
1. Name and address of the parent applicant institution;
  2. Statement of intent to establish a nursing Purpose and classification of nursing program, including the level of the program; and
  3. Evidence of compliance or plan for complying with R4-19-201 through R4-19-206;
  - 4.3. Proposal that includes, but is not limited to A feasibility study and results indicating the following information:
    - a. Documentation of the present and future need Need for the program in the state community including availability of potential students and need for entry level nurses;
    - b. Need for graduates of the proposed program
    - c. Availability of students;
    - d.b. Potential effect Impact on existing nursing programs in a 50-mile radius of the proposed program;
    - c. Organizational structure of the educational institution documenting the relationship of the nursing program within the institution;
    - d. Accreditation status of the parent institution;
    - e. Purpose, mission, and goals of the nursing program;
    - e. Potential for qualified faculty;
    - f. Availability of qualified administrator and faculty;
    - f. Financial commitment to support the initial and continuing program;
    - h. Community support of the scope and philosophy of the program; and
    - g. Number of budgeted faculty positions;
    - g-h. Source and description of clinical Adequacy of the clinical practicum and academic resources for the level of program;
    - i. Anticipated student population;
    - j. Documentation of adequate academic facilities and staff to support the nursing program;
    - k. Evidence of financial resources adequate for the planning, implementation, and continuation of the nursing program; and
    - i-l. Tentative time schedule for planning and initiating the nursing A timetable for development of the program and the intended date for entry of the first of the first-class beginning;
  5. Listing of resources available to fund the program and a projected budget for operation;
  6. Number and qualifications of proposed faculty and staff;
  7. Anticipated student population;
  8. Description of available physical facilities and description of proposed facilities with dates of availability; and
  9. Listing of available and suitable clinical facilities within the geographic area, including facility type; size, by number of beds; and type of patients.
- B.** Upon the Board determining that The Board shall grant proposal approval to any regionally accredited parent institution that demonstrates:
1. The need for a program.
  2. The resources to operate a program.
  3. The availability of students, and
  4. The availability and resources to secure a qualified administrator and faculty. the application is complete and the requirements of subsection (A) have been met.
- C.** A parent institution that is denied proposal approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for proposal approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6. Representatives of the parent institution shall meet with the Board for review of the application.

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~~C.D.~~ A parent institution that receives proposal ~~an applicant for initial approval may submit an application to the Board for provisional approval that includes the following information and documentation: shall, not less than three months prior to the proposed admission of students, do the following:~~

1. ~~Name and address of parent institution; and~~
2. ~~Plan for compliance with R4-19-201 through R4-19-206, including but not limited to the following:~~
  1. ~~Name and credentials of appointed an administrator;~~
  2. ~~Appoint administrative staff;~~
  3. ~~b. Names and qualifications of Appoint nursing faculty for the first year of operation;~~
  4. ~~c. Submit Final program implementation plan plans, including curriculum, to the Board;~~
  - d. ~~Curriculum, including course outlines, program objectives, and learning outcomes;~~
5. ~~Submit to a survey of the educational and clinical facilities by authorized representatives of the Board to determine compliance with R4-19-201 through R4-19-206 and this subsection:~~
  - e. ~~Descriptions of available and proposed physical facilities with dates of availability; and~~
  - f. ~~List of available clinical facilities within the geographic area, including facility type, size, number of beds, and type of patients.~~

~~D.E.~~ Following an onsite evaluation conducted according to A.R.S. § 41-1009, the ~~The~~ Board shall grant ~~provisional initial~~ approval to a parent institution that meets the requirements of R4-19-201 through R4-19-206 and for whom approval is in the best interest of the public. A parent institution that is denied provisional approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6, ~~a nursing program upon receipt of the written survey report to the Board from its authorized representatives and a determination by the Board that the program has complied with subsections (A) through (C).~~

~~E.~~ The ~~provisional initial~~ approval ~~of~~ for a nursing program shall expire ~~18~~ 12 months from the date of the grant of ~~provisional initial~~ approval if a class of nursing students is not admitted by the nursing program within that time.

~~G.~~ If a nursing program fails to apply for full approval within 2 years of graduating its first class of students, the Board shall rescind its provisional approval. A nursing program whose provisional approval is rescinded may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding the provisional approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**R4-19-208. Application for Full Approval**

A. A nursing program seeking full approval shall submit ~~an a completed~~ application ~~on a form provided by the Board. The application shall that includes~~ provide the following information and documentation:

1. ~~The~~ Name and address of the ~~parent applicant~~ institution,
2. ~~The~~ Date the nursing program graduated its first class of students, and
3. ~~15 copies of a self-study report that contains evidence Evidence that the program is in compliance with R4-19-201 through R4-19-206, and evidence that the results received by its graduates on the NCLEX average a passing rate of 80% or better.~~

~~B.~~ Upon receipt of an application for full approval, the Board or its authorized representatives shall survey the educational and clinical facilities to determine compliance with this Section. The Board shall grant full approval to a nursing program upon receipt of the written survey report to the Board from its authorized representatives and a determination by the Board that the program has complied with the requirements of this Section.

~~B.~~ Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall grant full approval to a nursing program that meets the requirements of R4-19-201 through R4-19-206 if approval is in the best interest of the public. A nursing program that is denied full approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**R4-19-209. Nursing Program Change Curriculum Changes for Board-approved Programs**

A. ~~An A~~ nursing program administrator shall ~~receive approval from~~ notify the Board ~~prior to before~~ implementing ~~any of the following nursing program changes in curriculum or alterations of a current curriculum:~~

1. ~~A e~~ Changing the ~~in~~ philosophy, mission ~~or~~ goals, or objectives which alter present curriculum;
2. ~~An increase~~ Increasing or decreasing ~~decreasing in~~ the length of the program; ~~or~~
3. ~~A reorganization of the curriculum~~ Adding or deleting a geographical location of the program;
4. Increasing the student enrollment capacity by more than 20%;
5. Changing the level of educational preparation provided; or
6. Transferring the nursing program from one institution to another.

B. The administrator shall submit the ~~The~~ following materials shall be submitted with the request for ~~curriculum~~ nursing program changes:

1. The rationale for proposed change and the anticipated effect on ~~program administrator~~, faculty, students, resources, and facilities;

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2. A ~~presentation summary of the~~ differences between the current practice and proposed curriculum change and the proposed curriculum change;
3. A timetable for implementation of the change; and
4. The methods of evaluation ~~which shall to~~ be used to determine the effect of the change.

**C.** The Board shall approve a request for program change if the program demonstrates that it has the resources to implement the change and the change is consistent with R4-19-201-206. A nursing program that is denied approval of program changes may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for full approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**R4-19-210. Renewal of Approval of Board-approved Nursing Programs; Continuing Approval**

- A.** An approved nursing program which is approved by the Board but which ~~that~~ is not accredited by an approved national nursing accrediting agency shall annually submit to the Board the following reports and records submit an application packet to the Board at least four months before the expiration of the current approval that includes the following:
1. Name and address of the parent institution.
  2. Current regional accreditation status.
  3. Copy of the current catalog of the parent institution.
  4. Copy of current nursing program policies, and
  5. 15 copies of a self-study report that contain evidence of compliance with R4-19-201 through R4-19-206.
1. ~~A copy of the current college catalog and a report completed by October 31 which shall contain the following information:~~
- a. ~~Changes in mission and philosophy, goals, and objectives since the last annual report;~~
  - b. ~~Faculty complement and qualifications of new faculty;~~
  - c. ~~Changes in curriculum since the last annual report; and~~
  - d. ~~Student enrollment, anticipated number of graduates for the academic year; and;~~
  - e. ~~Changes in resources and clinical facilities being used since the last annual report.~~
2. ~~A list of students who have completed all the requirements for graduation, except the successful completion of courses in which they are currently enrolled. The list shall be submitted to the Board not less than three months prior to graduation.~~
- B.** ~~The nursing program shall submit to a visit and evaluation every four years by the Board or designated Board representatives to determine whether the program continues to be in compliance with the requirements of this Article. The administrator shall submit, not less than 30 days before the visit, the following:~~
1. ~~One copy the self study report, one copy of the college catalog to each of the site visitors,~~
  2. ~~Nine copies of the self study report to the Board.~~
- B.** Following an onsite evaluation conducted according to A.R.S. § 41-1009, the Board shall renew program approval for a maximum of five years if the nursing program meets the criteria in R4-19-201 through R4-19-206 and if renewal is in the best interest of the public.
- C.** If the Board denies renewal of approval, the nursing program may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for renewal of approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6 and 4 A.A.C. 19, Article 6.
- C.** ~~Between survey visits, if the Board has reasonable cause to believe that a nursing program is not in compliance with this Article, the Board may require a nursing program to submit a summary report addressing the areas of Board concern or submit to a visit by Board representatives to determine continuing compliance with the requirements of this Article.~~
- D.** ~~The administrator shall report in writing to the Board, within 30 days, when a nursing program is transferred from one institution to another. The report submitted to the Board shall contain the following information:~~
1. ~~Feasibility study substantiating need for change;~~
  2. ~~Administration and organizational plans;~~
  3. ~~Anticipated effect on students, faculty, and resources; and~~
  4. ~~Plans for filing of an application for initial approval by the Board of the nursing program by the institution to which the program was transferred.~~

**R4-19-211. Rescission of Approval of a Nursing Program or a Refresher Program**

- A.** ~~The Board shall immediately, upon determining that a nursing program or a refresher program is not in compliance with R4-19-201 through R4-19-214 R4-19-206, R4-19-209, or R4-19-210, provide to the administrator a written notice of deficiencies which ~~that~~ also establishes a reasonable time, based upon the number and severity of deficiencies, to correct the deficiencies. No period The time for correction shall may not exceed 18 months.~~
1. The administrator shall, within 10 30 days from the date of receipt service of the notice of deficiencies, file a plan of correction with the Board to correct each of the identified deficiencies after consultation with the Board or designated Board representative.

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2. The administrator may, within 30 ~~40~~ days from date of receipt service of the notice of deficiencies, submit a written request for a hearing before the Board to appeal the Board's determination of deficiencies. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
  3. If the Board's determination is not appealed or is upheld upon appeal, the ~~program Board~~ shall ~~be subject to~~ conduct periodic evaluations by of the program Board during the ~~period~~ time of correction to determine if whether the deficiencies ~~have been~~ are corrected.
- B. The Board shall, following a Board-conducted survey and report, rescind the approval of a nursing program or refresher program if the nursing program fails to comply with R4-19-201 through R4-19-214 ~~R4-19-206, R4-19-209, or R4-19-210~~, within the time ~~period~~ set by the Board in the notice of deficiencies served upon the program.
1. The Board shall serve the administrator with a written notice of proposed rescission of approval which that shall states the grounds detail the reasons for the rescission. The administrator shall have 30 ~~40~~ days to submit a written request for a hearing before the Board to show cause why approval should not be rescinded. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.
  2. If, following a hearing, the Board determines that approval shall be rescinded, Upon the effective date of a decision to rescind program approval, the nursing program shall immediately cease operation and be removed from the official approved-status listing. A nursing program which that has been ordered to cease operations shall assist currently enrolled students in to transferring to another an approved nursing program.
- C. In addition to the cause ~~set forth~~ in subsection (A), if the Board determines that the effectiveness of instruction to students is impaired, the Board may rescind approval of a nursing program for any of the following causes:
1. For a program which that has been was served with a notice of deficiencies within the preceding 3 ~~three~~ years which were thereafter and timely corrected the noticed deficiencies, subsequent noncompliance with the minimum standards in R4-19-201 through R4-19-208~~9~~, or failure to comply with R4-19-209, ~~or~~ R4-19-210, or R4-19-211, R4-19-212; or
  2. Willful failure to comply with R4-19-209 or R4-19-210; or
  - 3-2. Failure to comply with orders of or stipulations with the Board within the time ~~period~~ determined by the Board.

**R4-19-212. Nationally Accredited Nursing Programs; Continuing Approval**

- A. A An approved nursing program which is approved by the Board and which that is accredited by an approved national nursing accrediting agency shall submit to the Board evidence of initial accreditation and ~~thereafter~~ shall submit evidence of continuing accreditation status after each ~~suecessive~~ reaccreditation review.
1. A reaccreditation review shall require a joint visit by a representative of the Board with the national accrediting team. The nursing program administrator shall notify the Board of the scheduled review at least 90 days before the review to allow the Board representative time to schedule the visit.
  2. The administrator shall submit to the Board ten copies of the self study which was prepared for the reaccreditation review and provided to the approved national nursing accrediting agency.
  3. A report by the Board representative shall be submitted to the Board for review.
- B. In addition to the information required in subsection (A), the The administrator shall submit the following to the Board Any any report from the a national accrediting agency citing deficiencies or recommendations ~~shall be submitted to the Board at the time such the~~ report is received by the nursing program.:
1. A copy of all reports supplied to the national accrediting agency at the time of filing with such agency;
  2. A copy of the current school catalog;
  3. Any report from the national accrediting agency citing deficiencies or recommendations shall be submitted to the Board at the time such report is received by the nursing program.
  4. A list of the students who have completed all the requirements for graduation except the successful completion of the courses in which they are currently enrolled. The list shall be submitted to the Board not less than three months prior to graduation.
- ~~C.~~ The administrator shall submit an annual report which shall contain student and graduate enrollments for the year. The report shall be submitted by October 31 of each calendar year.
- ~~C.~~ The administrator of a nursing program shall notify the Board within 10 days of any change in accreditation status.
- ~~D.~~ The administrator of a nursing program that loses its accreditation status or allows its accreditation status to lapse shall file an application for renewal of approval under to R4-19-210 within 30 days of loss of or lapse in accreditation status.
- ~~C.E.~~ Unless otherwise notified by the Board following receipt and review of the documents required by subsections (A) and (B) through (C), a nursing program shall have continuing continues to have full-approval status. The administrator of a nursing program that has its continuing approval-status rescinded by the Board may request a hearing by filing a written request with the Board within 30 days of service of the Board's order rescinding continuing full-approval status. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, and 4 A.A.C. 19, Article 6.

**R4-19-213. Voluntary Termination of a Nursing Program or a Refresher Program**

- A. The administrator of a nursing program or a refresher program shall ~~submit written notification to~~ notify the Board within 15 days of when a decision ~~has been made~~ to voluntarily terminate a the nursing program. The administrator shall, at the same time, submit a written plan for terminating the nursing program or refresher program.

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- B. The administrator shall ~~assure~~ ensure that the nursing program or refresher program is maintained, including the nursing faculty, until the last student is transferred or ~~has completed~~ completes the nursing program.
- C. Within 15 days after ~~After~~ the termination of a nursing program or refresher program, the administrator shall ~~provide to the Board a written notification~~ notify the Board of the permanent location and availability of all program records.

**R4-19-214. Approval of ~~Reentry/Refresher~~ Update Programs**

- A. An applicant for ~~A person who desires Board approval of a reentry/update-refresher program for nurses whose licenses have been inactive or expired for five 5 or more years or nurses under Board order to enroll in a refresher program shall submit a completed application apply to the Board on a form furnished by the Board which that~~ provides the following information and documentation:
1. ~~The Applicant's~~ The applicant's name, address, and telephone number ~~of the applicant~~;
  2. ~~The proposed~~ Proposed starting date for the program;
  3. ~~The name~~ Name and curriculum vitae of all instructors;
  4. ~~A complete~~ Complete course program outline;
  5. ~~A statement~~ Statement describing detailing the facilities, staff, and resources that the applicant ~~shall~~ will use utilize to conduct the ~~reentry/refresher~~ update program; and
  6. ~~Evidence of compliance with the requirements of subsection (B).~~ Program curriculum that consists of a minimum of 40 hours of theory and 112 hours of supervised clinical practice for a licensed practical nurse or a minimum of 60 hours of theory and 160 hours of supervised clinical practice for a professional nurse, including:
    - a. A comprehensive review of basic nursing care concepts and skills to include nursing process and theory, medication calculation and administration, and communication;
    - b. Medical and surgical nursing;
    - c. Update of new nursing care concepts and skills;
    - d. Planned and supervised clinical practice experience consistent with course theory and course objectives; and
    - e. Program and participant evaluation.
- B. ~~A reentry update program shall provide the following:~~
1. ~~A program curriculum which consists of a minimum of 40 hours of theory and 112 hours of supervised clinical practice for a licensed practical nurse, and a minimum of 60 hours of theory and 160 hours of supervised clinical practice for a professional nurse, including:~~
    - a. ~~A comprehensive review of basic nursing care concepts, nursing process, principles, and skills;~~
    - b. ~~Medical and surgical nursing;~~
    - c. ~~Update of new nursing care concepts and skills;~~
    - d. ~~Planned and supervised clinical practice experience consistent with course theory and course objectives; and~~
    - e. ~~Program and participant evaluation.~~
  2. ~~Written notification to the Board, within five days of completion of the program by a participant, of the following:~~
    - a. ~~Name of the participant and whether the participant has successfully completed or failed the program,~~
    - b. ~~The license or permit number for the participant, and~~
    - c. ~~Date of completion for the participant.~~
- ~~C.~~ The Board shall approve a ~~reentry/refresher~~ update program that meets the requirements of R4-19-214(A) and for which approval is in the best interest of the public which meets the requirements of this Section for a term of 4 ~~two~~ years. An applicant who is denied refresher program approval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for approval. Hearings shall be conducted in accordance with A.R.S. Title 31, Chapter 6, and A.A.C. 10, Article 6.
- ~~D.~~ The refresher program sponsor shall apply for reapproval in accordance with subsection (A) not later than 90 days prior to before the expiration of the current approval. The sponsor of a refresher A program that is denied reapproval may request a hearing by filing a written request with the Board within 30 days of service of the Board's order denying the application for reapproval. Hearings shall be conducted in accordance with A.R.S. Title 31, Chapter 6, and A.A.C. 10, Article 6.
- ~~D.~~ The sponsor of an approved refresher program shall provide written notification to the Board within five days of a participant's completion of the program of the following:
1. Name of the participant and whether the participant successfully completed or failed the program;
  2. Participant's license or permit number; and
  3. Date of participant's completion of the program.
- ~~E.~~ A program which is denied approval or reapproval may file a written request for hearing with the Board not later than 10 days following receipt of the notice denying approval. Hearings shall be conducted in accordance with A.R.S. Title 41, Chapter 6, Article 6.

**NOTICE OF SUPPLEMENTAL PROPOSED RULEMAKING**

**TITLE 15. REVENUE**

**CHAPTER 4. DEPARTMENT OF REVENUE  
PROPERTY TAX**

**PREAMBLE**

**1. Register citation and date for the original Notice of Proposed Rulemaking:**

Notice of Proposed Rulemaking: 6 A.A.R. 2352, July 7, 2000

**2. Sections Affected**

R15-4-401

**Rulemaking Action**

Amend

**3. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 42-1005

Implementing statutes: A.R.S. §§ 42-11054, 42-15005

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Jim Bilski, Tax Analyst

Address: Tax Research and Analysis Section  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007

Telephone: (602) 542-4672

Fax: (602) 542-4680

E-mail: BilskiJ@revenue.state.az.us

**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The rule relates to the calculation of the primary and secondary property tax assessment ratios. The rule directs the Department to transmit the assessment ratios to each county by November 30 of every valuation year. The Department initiated the rulemaking to amend the rule to conform to current statute and to allow additional time for the Department to transmit the ratios to the counties.

**6. An explanation of the substantial change which resulted in this supplemental notice:**

The Department changed the date, on or before which, the assessment ratios are to be transmitted to the counties. The Department also simplified the calculation of the full and limited values of Class One property.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

It is expected that the benefits of this rule will be greater than the costs. The amendment of this rule will benefit the public by making the rule conform to current statute, removing language that is obsolete or that is repetitive of statute. The Department, the Governor's Regulatory Review Council, and the Secretary of State's Office will incur the costs associated with the rulemaking process. Taxpayers are not expected to incur any expense in the amendment of these rules.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Jim Bilski, Tax Analyst

Address: Tax Research and Analysis Section  
Arizona Department of Revenue  
1600 W. Monroe  
Phoenix, AZ 85007

Telephone: (602) 542-4672



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Fax: (602) 542-4680

E-mail: BilskiJ@revenue.state.az.us

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule, or if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

The Department has not scheduled any oral proceedings. Written comments on the proposed rules or preliminary economic, small business, and consumer impact statements may be submitted to the person listed above. Pursuant to A.R.S. § 41-1023(C), the Department will schedule oral proceedings if one or more individuals file written requests for oral proceedings within 30 days after the publication of this Notice.

A person may submit written comments regarding the proposed rulemaking action by submitting the comments no later than 5:00 p.m., August 20, 2001, to the person listed in item #4 above.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

None

**12. Incorporations by reference and their location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 15. REVENUE**

**CHAPTER 4. DEPARTMENT OF REVENUE**

**PROPERTY TAX**

**ARTICLE 4. CLASS ~~FIVE SEVEN~~ LIMITED VALUE AND ASSESSMENT RATIO**

Section

R15-4-401. Calculation of Class ~~Five Seven~~ Assessment Ratios

**ARTICLE 4. CLASS ~~FIVE SEVEN~~ LIMITED VALUE AND ASSESSMENT RATIO**

**R15-4-401. Calculation of Class ~~Five Seven~~ Assessment Ratios**

- A. The Department of Revenue shall calculate the assessment ratios for primary and secondary tax purposes for all Class ~~Five Seven~~ property ~~in accordance with~~ according to A.R.S. § 42-15005 and this Section Regulation. The Department shall transmit ~~these~~ the assessment ratios to ~~the counties~~ each county on or before November 30 of every valuation the third Monday in June of every tax year.
- B. For the purpose of determining the Class ~~Seven~~ assessment ratio for secondary property taxes as defined in A.R.S. § 42-227, ~~the Director shall calculate the total assessed valuation and total full cash value of all property in Classes One, Two and Three as follows: The assessed value and full cash value of all property valued by the Department in Classes One, Two, and Three shall be based upon the values determined by the Department on or before the first Monday in June. The assessed value and full cash value of all real property valued by the counties in Class Three shall be based upon the Notices of Value prepared by the county assessors pursuant to A.R.S. § 42-221. The assessed value and full cash value of all secured and unsecured personal property valued by the counties in Class Three shall be estimated based upon the full cash value of such property for the previous tax year. For purposes of the calculation of the assessment ratio for secondary property tax in subsection (A), the~~ The full cash value of all Class One property valued by ~~the each counties county in Class Three shall be determined by dividing: adjusted to market value, if necessary, based upon:~~
1. ~~The weighed mean sales ratio reflected in the Department's preliminary sales ratio reports for the tax year, and The net assessed value for secondary tax purposes of all Class One property valued by the county, by~~
  2. ~~The adjustment determined by the Director for cash equivalency, personal property, and sampling considerations. The sales ratio study shall be conducted in accordance with the statistical principles applicable to such studies. The adjusted weighted mean sales ratio for the county.~~
- C. For the purpose of calculating the Class ~~Seven~~ assessment ratio for primary property taxes as defined in A.R.S. § 42-227, ~~the Director shall calculate the total assessed valuation and total limited valuation of all property in Classes One, Two and Three by using the same property values determined under Subsection (B) of this rule, except as follows: The assessed value and limited property value of Class Three property valued by the Department shall be based upon the limited property value of such property as determined by the Department on or before the first Monday in June. The assessed value and limited property value of all real property valued by the counties in Class Three shall be based upon the Notices of Value prepared by the county assessors pursuant to A.R.S. § 42-221. For purposes of the calculation of the assessment ratio for primary property tax in subsection (A), the~~ The limited property value of all Class One property valued by ~~the~~

**Notices of Supplemental Proposed Rulemaking**

~~each county in Class Three shall be adjusted by the same percentage as the adjustment made to the full cash value of such property under Subsection (B) of this rule, determined by dividing:~~

- ~~1. The net assessed value for primary tax purposes of all Class One property valued by the county, by~~
- ~~2. The adjusted weighted mean sales ratio for the county.~~

**D.** For purposes of this Section, "adjusted weighted mean sales ratio" means the weighted mean sales ratio for commercial property as reflected in the Department's most recent sales-ratio study for the valuation year divided by .91.